



THE CHARLOTTE NEWS

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Court Must Grant A Breathing Spell And The Nation Must Seek Solution

THE Supreme Court speaks again soon and there is widespread desire, not limited to the South, for the granting of a realistic breathing spell on the question of school integration.

Such a delay is imperative. The effect of court insistence on returning Negro students forthwith to Little Rock's Central High School probably would hasten the undercurrent of speed with which the nation already is moving too far, too fast, toward irremediable errors.

But a breathing spell for what purpose?

IF the last four years show anything, it is that when the fire of controversy is allowed to die a little, the antagonists merely go for more firewood. Four years, unfortunately, have not been enough for the nation to come to a rational consideration of the problem, nor to an intelligent estimate of the danger it faces.

Influential politicians in the North are still talking of Uncle Tom and massa in the mansion, while the southern courtiers proclaim the patriotic duty of closing schools rather than recognizing that the Supreme Court is the supreme court, whether the men who sit on it at any given time are wise men or foolish men.

There is in the South much contempt, and rightly so, for the jacksals of press and politics who jumped fiercely on Judge Lemley for his decision that a decrease in passion must have first consideration in Little Rock. Little Rock editor Harry Ashmore was one of the most quoted men in the nation when he was denouncing the follies of Orval Faubus, and one of the least quoted when he said Judge Lemley was wise. But also in the South deliberate appeals to passion and anger issue from offices of great public trust and responsibility.

IN these four years, the laughter of Americans at the explosions of French governments may have softened a bit by appreciation of the failures of our own governments on racial matters. It is not that we have not solved the problem. Racial matters are never solved to the point that the sense of difference is neutralized. The cruel fact of these four years is that we have not even faced the problem, and have not agreed on the means by which its worsening may be prevented. Indeed it seems there is little demand for these means. The major antagonists continue to rally their forces, declaring that victory for this side or that is just around the corner.

For our part, we cannot even see the corner. Nor do we believe the "do it now" and the "do it never" forces see it. They are marching and countermarching in courts and legislatures, issuing threats and threatening force, and they are hoping for nothing more substantial than the break of the game.

In the process, the bases of education, of our constitutional system, of painfully achieved and always fragile accord between races, and of the nation's image abroad, are being damaged severely.

A LITTLE ROCK comes along, and introduces a moment of soberness on all sides. A cry for statesmanship wells up. Peacekeepers are applauded. But as soon as the sun comes out, or as soon as the public awareness of it dims, another vacation from reason begins. Great national history is being made, with large portions of the public not knowing what is involved. If it is difficult to know the impact of the present on the future, it is hazardous in the extreme not to care.

Where are the victories, which were to be the fruit of the violent talk and deed, the legal stratagems and the brandished court order? Gov. Faubus has won an election, and the personal power to close any school in Arkansas—with only one voice in all of Arkansas' legislature to say him nay. "There is no question in my mind of Gov. Faubus' integrity," said the lone dissenter, Rep. Ray Smith Jr. "I just don't want to give that power to any governor, even though I believe in

his integrity." But in winning this, what has been the cost in lessened public respect for the law—and in the narrowed area in which the governor may now exercise his judgment? Faubus is a hero, but he also is a captive of the passion he has promoted.

In exchange for an integrated school, he offers a closed school. Indeed the nation very greatly needs a breathing spell, but a respite will avail us nothing unless it is used to seek solutions. "What is needed," Weimer Jones writes in the FRANKLIN PRESS, "is a formula broad enough to save the faces of the nine black-robed men who enunciated the 'new law' of the President of the United States, of the governor of Arkansas—and of scores of lesser figures who have seen in this crisis their once-in-a-lifetime chance to strut across the national stage."

THE formula is not so hard to come by as are the political skills and courage needed to invoke it. No matter how deeply great portions of the South may feel that the May 17 decision is unconstitutional, the fact is that it is constitutional. The people, of course, are the ultimate interpreters of the Constitution. But unless they act successfully—and the South has not promised to act—to overturn a decision of the court by constitutional amendment, the Constitution is what the court says it is. And when this fact is not recognized and, worse, is denied, the very basis of the federal system is undermined.

An indispensable part of that system is the Supreme Court. Respect for it is important to all Americans. All would surely support the court, by its own or by its critics' actions, be demeaned and its authority curbed.

The justices must reexamine their own performance. "They," said de Tocqueville, "are all-powerful as long as the people respect the law; but they would be impotent against popular feeling or contempt of the law." They must be statesmen, wise to discern the signs of the times, not afraid to brave the obstacles that can be subdued, nor slow to turn away from the current when it threatens to sweep them off.

THE "signs of the times" in terms of the court's prestige are disturbing. The strong rebuke to the court by a large majority of the states' chief justices, although lacking of restraint and judicial legislation, cannot be ignored. Nor can the portents of the 41-40 vote by which the Senate barely defeated a bill which would have curtailed the jurisdiction of the court. For many separate reasons, including the racial crisis, the "current" is moving against the court.

But it would be unwise to assume the "current" is moving with the South. Integration was not mentioned in the bills before the Senate nor in the resolutions of the state chief justices. And it should not be forgotten that all the great skill and prestige of the South's most respected leaders was needed to pull the most provocative teeth of the civil rights bill passed by the last Congress. The first such bill since the Reconstruction era.

If it expects its 1954 decision to stand, in anything besides mockery, the Supreme Court must season its law with great amounts of common sense, and the realization that "deliberate speed" in changing a social pattern of 500 years standing often must be very slow speed indeed.

But for the court to do that will be meaningless if the defiance of the Deep South states persists.

PERHAPS it is too much to hope for a compromise, for yielding on both sides. But if it is too much to hope for, it is the least that can be hoped for as the basis of a solution.

Surely the South, with its great traditions of political thought and facility, and the leading nation of the world do not mean to rule out hope for a solution, and to let a grave national crisis rest in the hands of the closers of schools and the dispatchers of troops.

Salvation Army. Visit the sick. Assist the poor. Study your lessons. And when you are through—and not too tired—read a book.

"Your parents do not owe you entertainment."

"Your village does not owe you recreational facilities."

"The world does not owe you a living."

"You owe the world something . . ."

"In plain simple words: Grow up; quit being a crybaby; get out of your dream world; develop a backbone not a wishbone; start acting like a man or a woman."

"I'm a parent, I'm tired of nursing, protecting, helping, appealing, begging, excusing, tolerating, denying myself and my comforts for your every whim and fancy just because your selfish ego dominates your personality, and thinking, and requests."



A Gathering Storm The Court And Its Critics

By MARQUIS CHILDS

WASHINGTON

AS OLD as government itself is the effort to find a tribunal—a man or group of men—above the passions of partisanship and the prejudices of the moment. The Supreme Court of the United States is the institution to which Americans have looked since the founding of the republic for the high endeavor of impartial judgment.

Yet the Supreme Court is a political institution. And in times of national strife and strain the court, and in particular, the chief justice, become the focus of angry political attack.

Earl Warren, the fourteenth chief justice of the United States, finds himself, at the climax of a career in which controversy has had little part, the center of a gathering storm. On May 17, 1954, he read two opinions of a unanimous court, holding that segregation of the races in the public schools was unconstitutional. This reversed the doctrine laid down in 1896 that the requirement of the Constitution for equality under law was met by "separate but equal" facilities for the two races.

ENTER THE VILLAIN

In the field of education, "the chief justice said, 'the doctrine of separate but equal' has no place. Separate educational facilities are inherently unequal."

In the South this meant a complete reversal of ancient custom and the opinion was the signal for a new outbreak of the feud between the North and the South that is nearly as old as the court itself. In the drive of the southern states to resist the new ruling, Warren is the villain. He has

been denounced again and again in demagogic language by Sen. James O. Eastland of Mississippi who has made himself leader of the movement to whittle away the jurisdiction of the Supreme Court.

It is a strange role for Warren

back to the cherished hope of man in society that a kind of high priesthood of the law can discover a way of truth acceptable to all.

Of the nine justices on the court today only three had prior judicial experience before coming to the high tribunal and they were all appointed by President Eisenhower. John M. Harlan had one year on the Circuit Court of Appeals in New York. William J. Brennan Jr. was an associate justice of the Supreme Court of New Jersey and held lower court positions in that state. Only Justice Charles Evans Whittaker followed the course many lawyers believe is the best preparation—he served as a federal district judge and then on the Eighth Circuit Court of Appeals.

HERE TO STAY

The American Bar Association has just recommended that federal judges be removed from politics. But the resolution making such a recommendation did not say how it was to be done.

However, desirable in theory, it is highly unlikely that Congress will approve such a change. The selection of federal judges, including the justices of the high court, both politics and the law have played a part. While there have been distinguished legal scholars on the court, such as Justice John Marshall Harlan, the norm has been men like Earl Warren who come to the law through the practice of politics. And while he is today a hated symbol for many Americans when this constitutional crisis has been resolved, whether before or after the moderate lawyer-politician promises to continue to predominate.

Named chief justice by President Eisenhower five years ago, the appointment was widely praised. Here was a man who could preside over the court with dignity and lead it toward moderation and away from bruising controversies resulting in four or five opinions. The only minor dissent was on his lack of judicial experience.

As the crisis over integration developed, a great national issue this became the heart of the matter—whether the chief justice and the other eight justices have the judicial equipment and the temperament or whether they are legislating their views in opinions on the Constitution. It gets

JOHN M. HARLAN
Experience One Year

JAMES O. EASTLAND
Target, Nine Months

Drew Pearson's Merry-Go-Round

Editors' Note: Jack Anderson, Drew Pearson's assistant, has been on a news-gathering trip through the Far East. He reports from troubled Formosa.

CONTRARY to scare stories from U. S. Far East, the Chinese Communists have not massed an invasion force powerful enough to seize Quemoy and Matsu from Chiang Kai-shek's garrison defenders.

It would take more than the 128,000 Red troops, now concentrated along the rocky coast opposite Formosa, to dislodge the four crack Nationalist divisions from their offshore strongholds. Except for a few Communist gunboats, no invasion fleet has been assembled large enough to assault the two target islands.

Potential Build-Up

It would take only 12 days to transport 300,000 more troops by train from Northern Hope Province to the Tamsui area. Still another 400,000 soldiers could be moved up from the Chinese hinterlands in 21 days.

All told, this would add up to a Red force of over 1,000,000 men. With the 1,500 jet fighters and bombers concentrated within striking distance of Quemoy and Matsu, the Communists could easily overwhelm the offshore islands.

Large Force

Yet to invade Quemoy and Matsu, our experts believe, would take an amphibious force large enough to assault Formosa itself. The Reds could scavenge enough junk in the immediate area to send a colorful invasion fleet against

Chinese Invasion Fleet Still Unformed

reinforcements into the critical area less than a week. Over 400,000 paratroopers could be landed by train in a single day from Hsien, Nan-chung, Kaitung, central China, and Hanchow, south of Shanghai. Another 400,000 combat troops could be rushed from Korea in an estimated three days.

Matu, weakest of the two island strongholds. But they have made no move to land on the island, craft down the coast from northern China.

The Chinese have little stomach for amphibious operations in the treacherous Formosa Strait where swift tides drain the muddy coastal bottom as far as five miles, then rush back to the rocky beaches faster than a man can run. Landing craft could also get snagged on the reefs around the offshore islands. This would be a real headache for the Communists, an unpleasant prospect for Chinese soldiers who are poor swimmers.

The best military estimate is that the Communists will do more shouting than landing until for the time being.

Guerilla Days

During World War II, I spent several weeks wandering over the broad, barren land of central China with a band of Chinese guerrillas. Our biggest battle was with rival Communist guerrillas for the right to harass the Japanese along the Hankow-Peking railroad.

Our guerrilla chief was a hard, unsmiling Nationalist officer named Chang-shang-chih, a newly converted Christian who without provocation would burst into

People's Platform

Democratic Party Run By Liberals

Editors: The News.

NOTE with interest a statement of Mercer J. Blankenship in a recent letter to People's Platform. He refers to Thomas Jefferson as "a political realist who foresaw that his ten immortal amendments to the federal Constitution needed a great protector, and so he gave birth to the Democratic Party."

I believe if Mr. Blankenship would make a serious and unadorned appraisal of the leadership now furnished by the Democratic Party he could come to the conclusion that the great protector he refers to is dead, if in fact it were ever alive as such. I believe he would conclude that the Democratic Party

leadership, on a national level, is controlled by groups of egotistical liberals advocating a type of European socialism, who should they gain dominant control of our lawmaking bodies, would ask citizens to surrender more and more personal liberties.

Mr. Blankenship should know that if the conservative Republicans had not voted with the southern Democrats in the House and Senate the welfare state program of these groups would already be in effect.

Two-party government, Mr. Blankenship is always good for our country; one party dictatorship is not.

Mr. Blankenship calls "the failed to the polls" and I hope they come because a heavy vote is always a vote against the New Dealers and the Goodies.

—W. R. GIER JR.

Crisis In Asia

We Asked Fort

By JOSEPH ALSOP

WASHINGTON

THUS FAR, the American government has sought to treat the Chinese Communist threat to Quemoy and the Matsu Islands as a minor matter. The President's eager departure for his golfing vacation in Newport is only one example of the prevailing business-as-usual attitude.

In fact, however, the threat to these little islands in the Formosa Strait is a desperately serious matter, with Far Eastern echoes of the crucial Berlin blockade.

There is this difference, however. For all sorts of psychological and political reasons, free Berlin was and is a key position in and of itself. The importance of Quemoy and the Matsu, in contrast, may be described as handmade in Washington. The story of how this happened has to be understood, before the problem itself can be understood.

FIRST GESTURE

In brief, the first gesture of the Eisenhower administration's "dynamic new foreign policy" was the so-called unleashing of Chiang Kai-shek. When the generalissimo was so dramatically unleashed, Quemoy, the Matsu and the other offshore islands were in Chinese Nationalist hands. But almost no regular troops were then stationed on the islands. At that time, in fact, the little islands were regarded as indefensible, and therefore as expendable by the Formosa government.

Apparently, however, the American policymakers desired to give some color of reality to the famous unleashing. Hence the severe pressure was placed upon the generalissimo to occupy the offshore islands in serious force.

Chiang Kai-shek bitterly resisted the pressure. He pointed out that the islands were extremely vulnerable. "Quemoy," for instance, lies in Army harbor, almost in the way that Staten Island lies in New York Harbor. He further pointed out that his authority in Formosa itself might well be undermined if he staked his prestige on holding these islands and then failed to hold them.

U. S. ARM-TWISTING

In the end, the generalissimo's resistance was overcome by the threat of American arm-twisting. Quemoy, the Matsu and the Tachen Islands, more remote from Formosa and further to the North, were all occupied in force by regular units of the Chinese Nationalist Army.

The wisdom of this move soon became apparent. Almost immediately after the phony peace in Korea was concluded, the Chinese launched a surprise attack on the islands. The generalissimo's arm-twisting to secure the evacuation of the Tachens. At the last instant, after the most exposed island of the Tachen group had already fallen under Chinese attack, the generalissimo gave way. Thus the Tachens were evacuated.

The Formosa resolution authorizing the President to use American forces for the defense of Formosa, was a by-product of this first off-shore island crisis centering around the Tachens. During the crisis, Secretary of State Dulles had promised former Chinese Nationalist Foreign Minister George Yeh that if the Tachens were evacuated, the U. S. government would give a public and unequivocal promise to defend Quemoy and the Matsu under the Formosa resolution. This Dulles promise was over-ridden by the President, however.

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CHIANG KAI-SHEK
Business As Usual

of the Tachens, certain feeble efforts were made to persuade Chiang to abandon the Matsu and Quemoy. But the generalissimo insisted that his own government on Formosa would not survive this further blow to his prestige. And he instead continued to strengthen his positions on the islands, using U. S. military aid for the purpose.

Such is the past history. It seems, first, that the future of Formosa itself may depend, by the generalissimo's own testimony, on the future of the Matsu and Quemoy. The generalissimo's view on this point is supported by the high personages in the State Department and the Pentagon who advocate defending the offshore islands at all costs.

HISTORY'S LESSON

But this history has another, even more important meaning. For since the U. S. American prestige in Asia has been engaged on the offshore islands, just as much as the generalissimo's prestige on Formosa, the Communists have been engaged to defend the islands will be an earthquake shock in every Communist country of Asia. Thus there is no cheap escape from this corner we have so strongly painted ourselves into. Unless the Peking government "guesses" that the President's departure for Newport means that our intentions are hostile, and chooses not to run the risk of a fight for the islands with the U. S. forces engaged.

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Democratic Party Run By Liberals

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—W. R. GIER JR.

From The Yellowstone News

'WHAT CAN WE DO?'

THE mother of a teenage student and

Ralph N. Peterson of the department of guidance of the Spokane Public Schools, became engrossed one day in the ubiquitous complaint of the teenagers about not having anything to do.

They came up with an answer, several of them for the matter, and they are gaining in circulation. The piece is reprinted here from the SEATTLE POST-INTELLIGENCER.

"Always we hear the plaintive cry of the teenagers:

"What can we do . . . ?"

"Where can we go . . . ?"

"I can make some suggestions. Go home!"

"Hang storm windows, paint the woodwork. Take the car to the mechanic. Shovel the walk. Wash the car. Learn to cook. Scrub some floors. Repair the sink. Build a boat. Get a job."

"Help the minister, the Red Cross, the

Salvation Army. Visit the sick. Assist the poor. Study your lessons. And when you are through—and not too tired—read a book."

"Your parents do not owe you entertainment."

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"In plain simple words: Grow up; quit being a crybaby; get out of your dream world; develop a backbone not a wishbone; start acting like a man or a woman."

"I'm a parent, I'm tired of nursing, protecting, helping, appealing, begging, excusing, tolerating, denying myself and my comforts for your every whim and fancy just because your selfish ego dominates your personality, and thinking, and requests."

What our military observers expect, more likely, is a guerrilla invasion of a lesser island (the Nationalists hold 15 within shooting distance of the coast). This could then be used as a base to harass the supply line between Formosa and Quemoy-Matsu.

Our experts acknowledge, however, that the Reds could airlift over 800,000

Byms which he sang with revival meeting gusto.

When I left the guerrillas after the Japanese surrender, they were engaged in a pitched battle with the Communists for control of the Hankow-Peking rail line. That was the last I heard of them.

In Formosa 13 years later, I tried to learn what had become of them. I passed around some faded photos that I had kept. Finally a Chinese official, who recognized one of the guerrillas, the hand had broken up, he said. Some had fled to the Communists; others had scattered to their homes. But the last he had heard, the remnants were still battling the Communists.

Washington Pipeline

Praise was being heaped so famously on retiring congressman last week that the Congressional Record had to be edited. Democratic Congressman Barrett O'Hara of Oregon, paying tribute to retiring Congressman Thomas Gordon, also of Chicago, was quoted in the Record as saying: " . . . What he really said, he foretold, was 'Tom Gordon had more ability than many people suspected.'"